



ZONING ADMINISTRATION
DEVELOPMENT REVIEW
COMPREHENSIVE PLANNING
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CITY OF FORT PIERCE

2005 Florida League of Cities "City of Excellence" Award Winner

DEPARTMENT OF PLANNING

"IMPROVING THE WAY WE DO BUSINESS"

PLANNING BOARD MINUTES

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, MARCH 14, 2006, IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. 1, FORT PIERCE, FLORIDA.

Members present: Donald Bergman (Chairman), Sunny Gates (Vice Chair), Robert Poitier, Leslie Olson (new member), Charlie Harris (arrived at 7:17 p.m.), Margaret Benton, Edward Reilly (new member), and Thomas Knott.

Members Absent: Chuck Enns.

Citizens and staff present:

Paul Schall
Pat Murphy
Philip Stickles
Paul Jasinski
Carol Scott
Michael W. Morell
Martin E. Murphy
Greg Boggs
Timothy Wheat
Karen Warner

David Recor, Deputy City Manager
Peter Buchwald, Zoning Administrator
James T. Walker, Assistant City Attorney
Dianna D. Rose, Administrative Secretary

Agenda Item #1 – Meeting was called to order at 7:00 p.m. and newly elected Board members were introduced: Leslie Olson and Edward Reilly.

Mr. Bergman stated – Welcome aboard, you both will do us proud I'm sure.

Agenda Item #2 – Secretary proceeded with roll call and consideration of absences.

Ms. Rose stated that Mr. Enns had called and stated he would not be attending the meeting, and that she hadn't heard anything from Mr. Harris (who arrived at 7:17 p.m.)

Mr. Bergman stated – If there is no objection, we can wait until the end to address the absences and to give Mr. Harris an opportunity to show up.

Agenda Item #3- Approval of Minutes of Meeting held February 14, 2006.

Mr. Bergman asked – Has everyone had a chance to review the minutes of the February 14, 2006 meeting? Are there comments or corrections that need to be made?

Mr. Johnson stated humorously – It's a good book.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE MINUTES OF FEBRUARY 14, 2006. Seconded by Mr. Johnson. Unanimously approved by voice vote.

Mr. Bergman stated – I'm going to shuffle the agenda around a little bit if you don't mind. What I want to do is move the Proposed Ordinance item #8 to the top and leave everything else in the same order.

Agenda Item #8 – Proposed Ordinance – Outside Storage – To seek approval of a proposed ordinance limiting the height of outside storage in the Marine Industrial Zoning District, (I-2).

Mr. Bergman asked – Could we have staff's report please?

Mr. Buchwald stated – Mr. Chairman, I'll defer to Mr. Walker on this report.

Mr. Bergman – Thank you.

Attorney Walker stated – Mr. Chair, it's my understanding that a member of the public has retained counsel vis-à-vis this proposed amendment that the attorney has just recently been retained. Shortly before the meeting he asked that the matter be briefly tabled for a limited period of time so that he might make a notice argument in advance the same for our consideration prior to the next meeting. With your permission, Mr. Chair, we'll ask Mr. Morell to come forward to briefly make that request.

Mr. Michael William Morell stood and introduced himself and stated – I'm an attorney who practices land use law. And for the record my address is P.O. Box 18649 West Palm Beach, Florida. Tonight I'm representing two (2) clients. First, the King Maritime, LLC, which owns property zoned Marine Industrial (I-2) within the Port. I'm also representing the Port of Fort Pierce doing business as Indian River Terminal, which is the Port operator on the property, which King Maritime, LLC owns. With me this evening is Mr. Paul Jasinski, the Chief Executive Officer of the Indian River Terminal. I'm also representing Jamco Inc. doing business as the Cracker Boy Boat Works of Fort Pierce. Jamco's property is located at 1602 N. 2nd Street within the City. It is also zoned I-2. And with me this evening is Mr. Martin E. Murphy Sr., the President of Jamco. We learned of this agenda item this afternoon at 3:30 p.m. (when the applicant had called the Planning Department to request a copy of the agenda) when the Planning Department staff was kind enough to fax us a copy of the agenda upon request. We immediately drove to Fort Pierce to pick up a copy of the staff report and have not had a lot of time to prepare/to address this matter. We would like to ask you to consider postponing this matter for a month and give us the opportunity to approach your staff with both procedural and some substance of arguments we have with regard to the ordinance. We believe such a delay would be contemplated. Your own code gives you 45 days upon which a matter is referred to you to consider a proposed

amendment to a land development and regulation. The State statute gives you 60 days sitting as the local Planning Agency and also has some other requirements in the statute with regard to things that your staff is supposed to provide you in order that you can make an important statutory determination that this amendment to the zoning code, as a land development regulation, is consistent with the City's Comprehensive Plan. So, we think by delaying this month, not addressing the merits tonight, it would give us an opportunity to approach your staff, let them be aware of some of the procedural (ends?) subject to the objections we have to this ordinance as well as bring to their attention some of the statutory conditions that we think are necessary for the Planning staff to make certain submissions to you for your determination on both the statute and your codes. So, we would ask not to address the matter and just defer it for a month. And we'll be glad to see you at your next meeting. Of course, we'll meet with your staff right away to show them our objections.

Mr. Bergman asked the applicant – Is next month's meeting going to be adequate time for you?

Mr. Morell stated – Yes, I believe it would be. I'd believe it would be enough time. We're probably going to have (substance?) of objections, but I'm not going to lie to you and tell you that we can't be ready in a month. We can be ready in a month.

Mr. Bergman – Alright.

Mr. Morell continued – Your code says you're supposed to take it up within 45 days and the statute says 60, so you probably ought not wait too long.

Mr. Bergman stated – Well, I mean if this is something that you just got notice on, we've run into this on other Boards, but I think, to give you the opportunity to work with staff and post any arguments that you have. Staff would recommend that that's reasonable.

Mr. Morell continued – I had a similar case two years ago down in Jupiter. It was a question of a public hearing on a Plan Amendment. And at that time the Department of Community Affairs (DCA) also said that you had to have notice hearings for LDR's. I noticed the department has changed its position. And I may be wrong, but I would just like the opportunity to meet with your staff and try to make that available to them. No sense arguing over procedure ...that just costs everybody money...you have to go back and start all over again.

Mr. Bergman stated – Alright. Would someone like to make a motion?

MOTION WAS MADE BY MS. BENTON TO TABLE THE AGENDA ITEM UNTIL THE NEXT MEETING ON APRIL 11, 2006. Seconded by Mrs. Gates.

Mr. Bergman asked – Is there any discussion?

Mr. Knott stated – Mr. Chairman, before we call the roll...Is it possible, Mr. Walker, just for our benefit, was there something that precipitated this ordinance that we should know about that it would help us in our deliberation over this next 30 days?

Attorney Walker stated – No, I don't believe so, Mr. Chair. Certain commissioners were interested in seeing an ordinance along these lines. And so it has been brought before the Planning Board for consideration. But, at this point, it's not necessary to address the merits of this motion in any of this ordinance proposal in any respect.

Mr. Knott – Right.

Attorney Walker continued – It's my understanding that Mr. Morell wants to make some arguments vis-à-vis the procedure governing adoption of any such motion and without agreeing or disagreeing with the merits of those arguments at this point. The fair thing to do at this time would seem to be to give him an opportunity to lay those arguments out and we'll look at them and then make a decision about the merits of those points before coming back. We certainly want to do the right thing of course.

Mr. Knott – Thank you, Mr. Walker. Thank you, Mr. Chairman.

Mr. Bergman stated – Yep. Any other comments? Could we have roll call please?

Unanimously recommended for tabling by roll call vote.

Mr. Bergman stated to the applicant – Okay, look forward to seeing you next month.

Mr. Morell stated – Thank you very much. We appreciate the consideration and especially that of the Planning Department Staff for faxing us a copy of the agenda at 3:30 p.m. in the hectic...

Mr. Bergman stated – Well, at least you got it.

Mr. Harris has arrived at this point.

Agenda Item #5 – Site Plan with Conditional Use – Live Oaks Villas Phase II – To Seek approvals of a Site Plan for an 80-unit multi-family affordable rental community and Conditional Use for innovative residential development generally located on the west side of South 27th Street, south of Georgia Avenue. Owner is Gary Ashton, Kimberly Morris, & Key Realty Development c/o Pinnacle Housing Group LLC; applicant is Live Oak Villas II Ltd/Pinnacle Housing Group LLC; and representative is Thomas Lucido & Associates.

Mr. Bergman stated – Mr. Walker, since my firm is directly involved with this project, I will have to excuse myself from this matter and I'll go out there and sit in the "peanut gallery."

Attorney Walker stated – It's my understanding you'll be filing the appropriate form?

Mr. Bergman – Yes, sir.

Attorney Walker – Thank you, sir.

Mr. Bergman continued – And in doing such, I'm going to pass the gavel to Mrs. Gates.

Attorney Walker stated – It would appropriate that the Vice Chair replace you in your absence, Mr. Chair.

Mrs. Gates stated – Okay. Could we have staff report on this issue please?

Staff Report – Mr. Buchwald stated – Mrs. Vice Chair, Board members, the applicant is proposing to construct an 80-unit affordable rental community on 6.98 acres on the west side of South 27th Street, south of Georgia Avenue. All the rental units in the proposed development will be affordable as defined by the Florida Housing Finance Corporation. The proposed project is similar to Live Oak Villas Phase I rental community, which was approved by the Planning Board and the City Commission in 2003 and constructed by the applicant on 25th Street adjoining the east of the proposed development. Phase II is proposed to consist of two (2) three (3)-story, 24-unit apartment buildings and two (2) two (2)-story, 16-unit apartment buildings. Amenities will include a sand volleyball court, playground, fitness trail, picnic shelter, and the tenants will be allowed to use the clubhouse and swimming pool located at Live Oak in the Phase I-portion of the community. The proposed development also includes a school bus loading zone at the entrance, and sidewalks along South 27th Street and throughout the development. In addition, the applicant is proposing to dedicate to the City an approximate three quarter acre area in the northwestern corner of the site for future use as a park or for additional storm water retention for the surrounding properties. Furthermore, the applicant is proposing to dedicate to the City a 25-ft. wide strip of land extending west from South 27th Street to the north end of the site for future use as a right-of-way or extension of Georgia Avenue. The existing zoning for the property is R-4, Medium Density Residential zone, which allows for a maximum density of 10 units per acre for conventional developments, and up to 12 units per acre for innovative residential developments. The proposed development results in a density of 11.46 dwelling units per acre. The applicant has applied for the bonus density for innovation residential development as a Conditional Use based on landscaping, siting, and design. The project qualifies for the bonus density based on the preservation of native vegetation and increase in landscaping in excess of City Code requirements, the siting of the buildings and improvements to preserve the native vegetation, and the architectural design, which includes a theme of Florida/Georgian design. The Phase I-portion was approved as an innovative residential development with a density of 11.63 dwelling units per acre. The Future Land Use for the property, as specified by the Comprehensive Plan, is RM, Medium Density Residential, which allows between 6.5 and 12 dwelling units per acre. The proposed project is in conformance with the Comprehensive Plan. The proposed development is surrounded by residential housing, and R-4 zoning to the north, south, and east. And residential housing in R-2 zoning are located to the west of the site. All effected City and County departments have reviewed the submittals and have approved the proposed Site Plan with Conditional Use based on them meeting requirements of the Code. As the proposed Site Plan with Conditional Use meets the requirements of the Code, staff recommends that the Planning Board forward a recommendation to the City Commission for approval of the Site Plan with Conditional Use. However staff encourages the Planning Board to consider alternatives to the chain link fencing proposed along portions of the property boundaries. And I believe the applicant is here to provide a presentation.

Mrs. Gates stated – Okay, thank you very much. Before I bring the applicant up, are there any questions for the staff from the Board on this issue?

Mr. Knott stated – I notice the access to the project for the 80 units appears to be through Georgia Avenue. Is this correct?

Mr. Buchwald stated – Actually there are two (2) access points; one is the ...There is a 15-ft. stabilizing emergency access point along the south end of the site. The Georgia Avenue access point is a future access point, but the problem with that, as was determined during the design was that Georgia was actually not Georgia Avenue, it's actually a piece of property that is privately held. So, the applicant is proposing to acquire that and to dedicate that to the City for future use as an extension of Georgia Avenue. So, but in the interim, the applicant is proposing, and it has been signed off by the Fire Department, the second access to be a stabilized earth along the south end of the site.

Mr. Knott continued – But their access off of 25th Street, which I assume would be their ...the main arterial that they will be working off of...would it come down Indiana...is this correct? I don't know how big the pavement is on Indiana. I see a dimension down there on the Site Plan of 31 ft. to something, and I see up in the north of Georgia Avenue has got 12 ft. of pavement. I'm just trying to figure out ...you know you have 80 units and I don't know if that triggers a traffic impact report, and if they would review these streets as points of ingress and egress?

Mr. Buchwald stated – Yes, a traffic report was prepared by the applicant. It was reviewed by the Engineering Department and the traffic consultant to the Engineering Department, who has signed off and approved the traffic report as not effecting the level of service for South 27th Street.

Mr. Knott asked – South 27th or South 25th?

Mr. Buchwald stated – South 27th Street. South 27th Street dead ends actually at Georgia Avenue. And that's the reason for the ...another feature of it was the school bus stop and the entrance being aligned so that a school bus can turn into the loading zone and pick up and drop off kids and then turn around there without having to enter into the development.

Mr. Knott stated – Alright. I guess my question is this, Mr. Buchwald, Indiana appears to have 31 ft. of right-of-way, which is a substandard street, and Georgia has 12 ft. of pavement, which is substandard, yet those are the main sources for their access off of 25th Street, is this correct?

Mr. Buchwald stated – Off of 27th.

Mr. Knott continued – No, 25th because 27th goes nowhere, does it?

Mr. Buchwald continued – It would be Indiana and coming off of South 27th .

Mr. Knott stated – Now Indiana is showing 31 ft. Do you have the Site Plan there? Do you see the 31 ft. Could you tell me what that means ...?

Mr. Buchwald stated – That's the pavement width for thethat's the...

Mr. Knott asked – Pavement? Or is that...? It appears to be ...I see some turnouts...that looks like the right-of-way...it's going back of the sidewalk on the north and to a line on the south.

Mr. Buchwald – Yes, sir.

Mr. Knott continued – I'm just trying to find out if we have access for 80 units ...they would all have to ingress/egress off of 25th Street to get back to here to the project. And I'm just trying to figure out how they're going to do that without having to ...bottleneck. Do you understand what I'm saying? Is that clear?

Mr. Buchwald stated – Yes, sir. I just wanted to check the traffic report first...

Mr. Recor asked – Greg, do you have anything you'd like to add?

Mr. Greg Boggs asked – May I?

Mrs. Gates stated – You can, if that will answer his question.

Mr. Greg Boggs stood and introduced himself and stated – I'm with Thomas Lucido & Associates, 100 Avenue A. Tom Knott, your question also, in terms of access, would pertain to South 27th Street, which connects to Okeechobee Road.

Mr. Knott asked – Does it go all the way to Okeechobee?

Mr. Boggs stated – Paved, hard surface all the way to Okeechobee.

Mr. Knott stated – Okay, that's what I was trying to find out if there was another point of ...

Mr. Boggs added – That's not our only way in, so...

Mr. Buchwald stated – Madam Chair, the traffic analysis did include segments of Okeechobee, 25th, 27th, and Georgia Avenue, and did indicate the project met concurrency.

Mr. Knott stated – That's what I was trying to find out, because if they were coming off of 25th Street, it looked like we were going to have a bit of problem there with it, but if it goes all the way to Okeechobee....you have a proper right-of-way, because that looks like it's a full 50 ft. right-of-way on that 27th.

Mr. Boggs stated – Yes it is.

Mr. Knott stated – Okay. Thank you.

Mrs. Gates asked – Are there any further questions of staff from the Board?

Mrs. Olson stated – I have one. I'm wondering if you have any recommendations on alternatives to chain link fence?

Mr. Buchwald stated – Madam Chair, a recommendation could be wrought iron fencing...would be appropriate, or a wooden fencing would be appropriate...something aesthetically pleasing not only

to the neighborhood itself but also the surrounding community, and the surrounding single-family homes. The code is not specific in terms of what the requirement is. A chain link fence is a minimum, that's why we encourage though, the Planning Board to consider that and to engage the applicant at discussion.

Mr. Recor stated – Madam Chair, Ms. Olson, Peter's correct. The land development regulations are silent with regard to the design of fences. However, what we've been doing, in working with the development community, is encouraging them to pull elements from the building; say the materials that they're using on the exterior of the building and using a complimentary masonry peers with wrought iron or wooden fencing, as opposed to a standard chain link fence. But rather than just putting a fence up, pulling elements of the building to make it blend in and be complimentary of the site as a whole.

Mrs. Gates asked – Any further questions for staff?

Mr. Johnson asked – In relative to the Live Oak Villas Phase I, does anybody recall what the fencing is along 27th Street at that project, or is there nothing there at all? The question could be for the applicant.

Mr. Boggs stated – Chain link.

Mr. Johnson stated – Oh, okay. 25th Street is different, is that correct?

Mr. Tim Wheat stood and introduced himself and asked – May I address that? I represent the applicant. I live at 15924 Citrus Cove Blvd., Loxahatchee. We're with Pinnacle Housing Group. To address your question, there is an aluminum picket fence along 25th Street and a 6-ft. chain link fence on the northwest and south property boundaries of the existing Live Oak Development.

Mr. Johnson – Okay, thank you.

Mrs. Gates – Thank you.

Mr. Johnson stated – One other question. Going back to the traffic, does the City not designate Georgia as one way at that area? I'm almost certain it is, because it's only 12 ft. of pavement. And I've been on that. It's on the back side of the water treatment plant. And I think Engineering has said one way even though it's not one way. I'm not sure if you guys knew that or not.

Mr. Buchwald stated – I'm not aware of that being one way; I don't believe so. It's not marked as one way.

Mr. Wheat asked – Madam Chair, may I address that question?

Mrs. Gates – Yes.

Mr. Wheat continued – The Georgia Avenue paved section between 25th and 27th is one way westbound currently. I have a few remarks; I'll cover the question of right-of-way dedications and the like, but right now there is a rather steep drainage culvert that begins at around half way

between 25th and 27th, which probably prevented the City or FPUA from paving it to a full 24 ft. of pavement; thus they made it one way westbound, which is the best that I can surmise.

Mr. Johnson – Okay.

Mr. Wheat continued – We have some remarks on that and then the fencing issue during our presentation. Thank you.

Mr. Johnson – Okay, thank you.

Mrs. Gates asked – Okay, any further questions for staff? I think the applicants are basically introduced. So, if you all would like to come back up we welcome you to come back up.

Mr. Greg Boggs stated – I want to speak particularly on the front end of this because we're Tim's consultants, of course. We are responsible for Phase I; and some of you were here for that...two or three of you were. If you remember that site, it was an old mobile home park...lots of trees. We structured the plan, preserved the trees, the architect provided the upgraded style of architecture, and then we did an increase of landscape. That was an innovative design; and it was approved by you and the Commission. That was this particular plan, which you don't have a reduction. But on the right-hand side is Phase I...Live Oak I. So, what we're essentially doing very simplicity is creating Phase II using the same standards. For example, of 73 trees over 12 inch, we're removing 14. So, we're micro-siting the structures and the parking to preserve the existing canopy trees. And in the landscape plan, that I don't think you have, but staff has it obviously, we are insuring that we're upgrading the landscape together with Mr. Bergman's architecture. And obviously that's why Peter suggests that we are conforming to the innovation design that would make the 10 units an acre allowable to 12; and we're at 11.46 in terms of D use per acre...dwelling units per acre. There are four (4) buildings that you see. The north and the south building are the three (3)-story buildings, the east and west buildings are the two (2)-story buildings. The standards that we follow for parking and open space, retention, are there and being met and/or exceeded. The upper-left corner, as noted, will be a set-aside area for open space like a passive park, for example, or whatever may happen there in the future, but it will not be developed. As you see on the plan, we're providing an access to Georgia Avenue as an emergency out. We're dedicating the 25 ft. so that one day Georgia Avenue hopefully can be improved as an east/west road. The project is not gated...it's open. And hopefully you all have seen Live Oak I.

Mr. Poitier added – Yes, I've seen it.

Mr. Boggs continued - ...Actually driving in it and seeing that. We're proud of it. It's a great way to infill redo of an existing site. And what Tim is basically asking you to do through our graphics and support from staff, forward us on to Commission just like you did with Phase I. So, it's pretty straightforward. There's not much there other than what I just said. So, with that, Tim can discuss it a bit more. Tim's with Pinnacle Housing Group.

Mr. Tim Wheat stood and introduced himself and stated – I'm with Pinnacle Housing Group. This development, as Phase I was, a partnership between my company and our partner called Everglades Community Association. With me tonight, is my associate, Karen Warner with Pinnacle, and Pat Murphy and Paul Schall, who are the brokers both on this transaction, and on

the Phase I transaction. First of all, you know we've had an enormous amount of success with Live Oak Villas, both professionally in terms of a lot of pride in both of our companies about how the development turned out. As Greg said, we took a mobile home park, we microsituated around existing trees and canopies and created really with the Peacock & Lewis design a really wonderful community, where we have a 150-family waiting list. And that list literally grows everyday. As you know, the need for workforce and quality housing has been exasperated by the effects of the hurricanes, by the effects of market displacement. The real estate market goes this way, income goes this way. And the need is literally now neverending. When we were able to conceive and put this development together, we entered into the City working a new circumstances with a new staff and we want to take a moment to compliment the work of Mr. Recor and Mr. Buchwald in working with us in a very positive way and challenging us, I think, to even do better than we did with Phase I. And I think the City's definitely going in the right direction. So, the question you'd ask is well, how do we propose that we're doing better than what we did in Phase I? Well, first of all, we've kept the long-range planning interests of the City in terms of our investment in mind. One of the things that came up very early on when we had got contract on these properties was Commission Nelson and other people, and Commissioner Alexander and other folks in the City said you know ultimately it's a long-range best interest of the City to continue Georgia Avenue westward. And what we found, and we do, as an urban infill developer, we take a lot of sites that have prior uses...we find all kinds of challenges in doing them. As you mentioned, sir, that right-of-way, it's a 25-ft. right-of-way, however, you know, FPUA owns more land over here that could be dedicated to Georgia Avenue that meets the 50 ft. right-of-way standard. If a culvert was built and backfilled that area, the City could long-range extend Georgia. What we've found is we're more than willing to give this 25-ft. strip here ...we discovered in working with your new staff is that that was under private ownership. Our broker, Mr. Schall, negotiated with the owner of that 25-ft. strip, like a lot of folks, they don't even realize they own them, and he acquired it. And we've told the City that we're prepared to dedicate it for a \$1.00 to the City as part of the efforts to extend Georgia Avenue ultimately to the west to kind of knit the City better from a traffic viewpoint. We also know, from talking to the Commissioners and listening at Commission meetings and reading, that open space is very important. When we created this innovative design, we said well gee, we've got this land here. We have great thought to building height, we oriented three (3)-story buildings near where we had either multi-family uses or open area, and ultimately there is multi-family in the water treatment plant. Where we're near single-family, we put two (2)-story buildings in. But then we had this area available, so we proffered to the City in working with the staff that we would dedicate that as public open space. So, again, you know we're making a commitment to the long-range planning of the community, and we think that is important for both our investment in the existing Live Oak and going forward in the future. The last thing I would want to address is the question of fencing. What we did in Live Oak I is we tried to blend the practical consideration...the aesthetics with the practical considerations of confinement and security, and access the distancing between parcels. So, in Live Oak I we have a decorative fence along 25 ft. street where it's visible, but chain link, which is buffered by landscaping, along the other three (3) sides. I brought some pictures tonight so you could visually sort of how that works. And I'll have Karen pass those around. And I think what it does is it mutes the fact of the fence. The thing that we're most concerned about is that as a manager of about 4,000 units all around the state of Florida, we find that the decorative picket fence is our great for aesthetics but people have a tendency to do one quite simple thing, like pull the pickets apart when they want to be somewhere. Chain link is less penetrable and people will jump it. Invariably, fences don't always keep people from going from one place to another. But we're very concerned with Live

Oak II about there's a very deep canal that runs along our western property border that separates us from the subdivision to the west. And there are also other...I think that the canal continues or the culvert continues over here. We're honestly very concerned about putting an aluminum picket fence along those boundaries where that could be potentially defeated by someone wanting to fish in the canal, pulling the fence apart, and then followed by a small child who could cross through the fence before it's repaired or rectified. And then we have a situation on our hands that could be potentially tragic. So, I offer, for your consideration, that we would want to blend security with aesthetics. We would agree to reasonable buffering; we've buffered it as to code. Right now we call for an aluminum picket at our entryway. We would be willing to stipulate that we would carry the aluminum picket along the eastern border of the property as well. We would willing to stipulate for the record we'd do that as a means of better buffering ourselves against these single-family homes here. But we would prefer to keep the chain link along these intrusive areas and especially where we're bordering that canal. We feel that's really important from a security viewpoint. That's all I have. I'll just thank you for your time. I'm sorry I took a little bit of time; I wanted to sort of explain to you our global view for Live Oak. And we hope we are here to answer any questions you have. And thank you very much for the opportunity to present our plan for Live Oak II.

Mrs. Gates stated – Thank you; good presentation. Are there any questions for the applicant?

Mr. Johnson stated – A couple of things. While we're on the fencing. It's a great project. I respect that the owner would want to carry the white picket throughout the front of the property or we'll call it the 27th Street side, I guess. Because that was my concern with the existing residence around that area. One thing I wasn't sure on, and I want you to correct me, if I'm wrong on this. Southeast corner, there is a single-family residence and it looks like we're kind of fencing around his property, is that correct?

Mr. Wheat stated – That is correct. We own that strip of land, which is our emergency egress. There is that home there, and there is an existing home here, which is part of our property acquisition, which gets bulldozed for our entry into the development.

Mr. Johnson stated – Okay, so on that proposed ...

Mr. Wheat added – So, if your question is would we be willing to aluminum picket here, here, and here (referring to rendering), the answer is yes.

Mr. Johnson stated – Okay. Actually I wanted...and the Board may have different views, but on the southside of his property, I'm not sure I want to box him in...box that residence in. I'm looking at the stabilized emergency access, which was mandated from the Fire District maybe...is that correct?

Mr. Wheat – That's correct.

Mr. Johnson – Okay.

Mr. Wheat continued – If I can point out, they asked for a secondary means of egress. And we addition, in turn, even though the Florida Building Code doesn't require it, we agreed to install fire

suppression in all four (4) buildings as opposed to the two (2) that would be required under the code.

Mr. Johnson stated – Okay. And to not box in that single-family home, what I would propose is that you carry the western picket fence of his property, so it would be the western side of that single-family home property, that section of fence, just carry it through to your property line on the south. And maybe provide a gate with the Fire District's lock, or something of that nature, on there. I just don't see a reason to box him in white picket fencing, even though it's nice and decorative, I would just want to carry the fence through from his western property line to your southern property line, if that makes sense. I might have to point it out to you.

Mr. Wheat stated – I think I get what you're saying, you're saying to carry this here (referring to rendering) and gate it and not fence here so there's a feeling of openness.

Mr. Johnson stated – Exactly. So, you don't have a gate on the end at the 27th Street, do you not? I don't think you do. It's not showing that way.

Mr. Wheat stated – No. It's not shown as a gate.

Mr. Johnson continued – So, it just doesn't make sense to me to box his property in and then jump to your southern property line and start the fence again, which is what it looks like is happening.

Mr. Wheat stated – I have no problems conceptually with what you're proposing, and actually that would work better for us, and it will...because I've noticed that the fellow parks his car in this strip; and he probably views that land as his, although he may not realize it. And of course, when we develop, he couldn't park his car there because we need the emergency egress. The only thing I can't answer is whether or not it would be okay in terms of the Fire District, and what their requirements would be as to a gate or whether we could gate or not gate there. That's the concern I have, and I'm not in a position to answer that question and I don't know if you guys are either. No, we're collectively not in a position to answer whether or not we would be able to do that per the Fire District regulations.

Mr. Johnson continued – Even if you left it open, though, I just don't see the need to box his property in and then to carry your fence on the southern property line.

Mr. Wheat added – And I will stipulate that we would be willing to place a gate that runs from our southern property boundary to the southwest corner of his lot, subject to Fire District regulations.

Mr. Johnson stated – Okay. I would agree with that. Maybe the Fire District has new regulations, but I thought they had—you guys can correct me if I'm wrong—they've done agreements like that in the past, but I can't say that I've seen it recently. My other comment about the fencing is in the area that you've dedicated back to the City in the northwest corner, you're referring to a child or whatnot coming through a fence. Do you have fence on that northwest corner?

Mr. Wheat stated – To answer your question, that we haven't called for a fence along here.

Mr. Johnson asked – You have or have not?

Mr. Wheat stated – Have not.

Mr. Johnson stated – Okay. Would it be agreeable to delete the...and like I said, the Board has to interject comments if they'd like, but I'm not sure you need to run your white picket fencing to the northern property line of Georgia Avenue or actually your northern property line, and just carry it along where your driveway is...and turn and due west.

Mr. Wheat stated – We would have not objection to that.

Mr. Johnson asked – With white picket fencing?

Mr. Wheat stated – Well, yeah, sure.

Mr. Johnson stated – Well, what I'm trying to do is I'm eliminating the 27th Street side and just putting it on, you know, move it to the west.

Mr. Wheat stated – No. You are; and I did stipulate that we would be willing to make this white picket basically now, if I could follow along with my hand, where we've said is we would not carry it here (referring to renderings) for your directions...we'd basically start here do this, then this, and so on. You're now suggesting we basically go this way.

Mr. Johnson – Exactly.

Mr. Wheat continued – That's an additional distance from here...

Mr. Johnson added – That way, when someone uses the park from the public they see the decorative picket, they drive down Georgia Avenue one day when it's open, you see a decorative white picket fence behind, you know, a nice park...you see what I'm getting at.

Mr. Wheat stated – I would make ...I would only have one concern, that the City has to determine the use of this; it's been discussed that it would be a park, it's been discussed it could be a potential storm water management facility to deal with drainage issues in the neighborhood, and potentially in connection with expanding Georgia Avenue. If it were a storm water management facility, I would want to be able to put chain link, if it's a park, I would want to be able to put ...I would not object to the aluminum picket. Am I making sense?

Mr. Johnson – Yes.

Mr. Recor asked the applicant – Can you summarize? We didn't get to see the map and the changes...

Mrs. Gates asked the applicant – Can you show the staff exactly what we're talking about?

Mr. Wheat (referring to renderings) goes over the changes with staff. (Out of audible range).

Mrs. Gates stated – I have a question. I know your concern and I think you have a legitimate concern, considering if it's the canal and children. And I'm sure there are going to be lots of children living here.

Mr. Wheat – Yes.

Mrs. Gates continued – And I would have that same concern also. Is there anything we could do with landscaping that would make it more palatable with the chain link fence as well as make it more of a buffer for anyone to try to think that they might want to climb over it or get through it? I'm asking the question for aesthetics as well as safety.

Mr. Wheat stated – I think that chain link would be the most reliable means of fencing.

Mrs. Gates added – I understand your concern....

Mr. Wheat continued – You know...from the safety aspect...On the aesthetics, we do...are required to buffer. What I might suggest, I feel like I'm on "Deal or No Deal" on that t.v. show. What I might suggest is a ...how about a vinyl-coated chain link fence that might more aesthetically blend with the landscaping, i.e....

Mrs. Gates asked – What color?

Mr. Wheat stated – Well, green might be a good one, because green would blend in with the buffer better and it would make the fence even less obtrusive.

Mrs. Gates continued – But could we put more buffering? Would you be willing to put more buffering?

Mr. Buchwald added – Madam Chair, if I may. I think the applicant is proposing to place shrubbery...over 650 shrubs along the fence.

Mr. Wheat agreed – Yes.

Mrs. Gates asked – So, you feel like that would be enough to make it aesthetically not unappealing, so to speak?

Mr. Buchwald stated – Madam Chair, the landscaping ordinance does require that, at its maturity, that the shrubs are placed close enough, so that it forms a screening in beautifying the fence. So, the intent is to beautify that fence.

Mr. Wheat added – And you saw, from the pictures I distributed, you see how the landscaping and screening we did for Phase I per the code, does help to accomplish that effect.

Mrs. Gates asked – How long ...this is my next question. Greg, how mature are you going to start with ...at what point of maturity are you placing? Are they going to be teenies or...? I just don't want to see it be a long time before we see some aesthetics there.

Mr. Boggs stated – What we're choosing is Florida privet, which grows very fast.

Mrs. Gates – Okay.

Mr. Boggs continued – I'm not sure exactly the spec on that, but I suspect that it's three (3) gallon going in about 24 to 30...So I suspect after two (2) years of growth it's going to be up there pretty good. Because Florida privet is pretty fast-growing, plus we have groups of cabbage palm and canopy trees running down the line as well, just to help kind of minimize the visual part of it. Without just a hedge, we've got some vertical as well.

Mr. Reilly stated – You're using viburnum and Florida privet? I mean that's what I'm reading.

Mr. Boggs stated – Yes, viburnum (?), yes.

Mr. Reilly continued – Right now, the concern, I guess, is, you know, hiding the fence, and right now it's being buffered on the inside with the viburnum, but on the outside, like in the area that might be used as a park of something like that, there's nothing shown on there. Viburnum is a quick-growing hedge, but is there any thought to putting something...? I mean, viburnum, used in the combination with the black or green chain link fence actually the fence disappears rather quickly. That's something to look at right there.

Mrs. Gates asked – But you're looking at the exterior side of the fence for...

Mr. Reilly stated – Well, right now the interior side, it looks like they've got it in that one side, but on the outside you're going to see the chain link. That's just an observation.

Mrs. Gates asked the applicant – Do you want to address that?

Mrs. Gates asked – Mr. Buchwald, do you have anything to add?

Mr. Buchwald stated – Madam Chair, Mr. Reilly, that was the intention of staff's to encourage a discussion of the fence, not so much for the inside of the fence, which was shielded by the shrubbery but for the other side of the fence that adjoins the residential housing.

Mrs. Gates stated – Okay, thank you.

Mr. Reilly added – I've seen black or green chain link with a lot of the developments use that and it disappears pretty quickly if you landscape both sides.

Mrs. Gates stated – Okay, that would probably be a big concern of the Board now. So, we're adding bushes.

Mr. Johnson stated – Madam Chair, I just wanted to go to staff. Did you guys have a chance to talk about what I was proposing there?

Mr. Buchwald stated – Madam Chair. Sir, I would also concur with the applicant that the Fire Department approval would be necessary ...I don't see any reason why not from a Planning

Department's perspective; and at the other end of the property, again, would be dependant of the use of whether it's going to be used for future storm water retention or as a pond. But certainly I don't see as why those details can't be worked out and be placed as a condition of that while working with staff.

Mr. Johnson stated – Okay, thank you.

Mrs. Gates asked – Any further questions?

Mr. Reilly stated – Yes, I have one. I'm sorry, I'm new here. The pool is being used by, I believe, they can use the Live Oak Villas Phase I pool, correct?

Mr. Wheat – Correct.

Mr. Reilly continued – How do families get to the pool from Live Oaks II?

Mr. Wheat stated (referring to renderings) – There is a secondary entrance on Indiana and an interior walkway system. So, if they're pedestrian, they can access the development via just walking the short stretch down Indiana and into the development.

Mr. Reilly asked – Okay. So, there's a sidewalk and a crosswalk...they can all get to that point safely?

Mr. Wheat stated – Yes, they would have to cross 27th.

Mr. Reilly – Okay.

Mr. Wheat continued – Which, as you all know, dead-ends at Georgia, so there's not an enormous amount of traffic.

Mr. Reilly asked – But there'll be more traffic after...

Mr. Wheat added – As a result of our development?...invariably yes.

Mr. Reilly – Okay. So, there is a good...I just didn't see that access. I guess I saw the sidewalk where the bus stop is going to be and all of that, but I didn't see it going much further.

Mr. Wheat added – And the School Board required us to continue and actually add a sidewalk all the way down 27th from Indiana to Georgia or where Georgia might be.

Mrs. Olson asked – I have a question regarding that continuation. Where there be a sidewalk on both the east side and the west side of 27th?

Mr. Wheat stated – No, just on the west side of 27th.

Mrs. Olson continued – So, they need to cross over at the main entrance over to 27th ...you said on the west side?

Mr. Wheat stated – Yes, on the west side.

Mrs. Olson continued – So, they would need to cross at Indiana over there and then on Indiana there is a sidewalk.

Mr. Wheat stated – I believe so, yes.

Mrs. Olson asked – On Indiana on the north side?

Mr. Wheat stated – Yes. In fact, I think we built it in Phase I.

Mrs. Olson – Okay.

Mrs. Gates asked – Okay, any further questions for the applicants? Thank you very much.

The applicants – Thank you.

Mr. Buchwald stated – Madam Chair, if I may say, while staff appreciates the kind words provided by Mr. Wheat, also we would like to say in return that what a pleasure it is to work with an applicant who is responsive to staff's comments and provides timely submittals in a manner that allows this product to move forward as it has.

Mrs. Gates stated – Thank you. Is there anybody here to speak against this request? Okay, what are the Board's wishes on this item?

Mr. Knott stated – Madam Chair, just for clarity on this then, it was determined then that the applicant is willing to go with the decorative fencing...the white picket fence along all of the east property line, and the north if it becomes a park, is this correct? And the rest of it will be a vinyl-covered chain link fence, is this correct?

Mrs. Gates stated – I believe so, and I think it is also according to what the Fire Code states, so that is going to be an issue that, which will probably can't totally be answered tonight, but I think the applicant, am I correct?...is willing to do this if it's possible?

Mr. Wheat added – With regard to decorative fencing, we will stipulate and I will enter a plan into the record with the staff and I'm highlighting the areas we would be willing to do that. And I'm going to do this as a hatched area, which is indicative of us saying that we would do a decorative fence if that's a park, chain link if it's a storm water management facility after our dedication of that space.

Mr. Recor added – We will get that issue clarified with the Fire Prevention Bureau ...

Mrs. Gates added – Okay, we will just let staff work on that with the applicant. Mr. Knott, does that answer your question?

Mr. Knott stated – Yes. I just wanted to make sure, before we had a motion made, that we had an understanding of it...

Mrs. Gates stated – Well, I had one other question, and I want to make sure that I have not missed this, was were they willing to do the exterior landscaping that Mr. Reilly suggested, or as the chain link is concerned on the exterior of the fence line for aesthetic purposes? I don't know if I heard that answered...maybe I just missed it.

Mr. Wheat stated – We'd be willing to stipulate that on the western and southern end, possibly if it's a storm water management facility on a portion of our northern property boundary, that we would construct a six (6)-ft. green vinyl-coated chain link fence. And that we would buffer to the greatest extent possible, given the fact that the fence sits on the property line, we would have to make some adjustments. We would buffer...we would do buffer plantings both on the interior and the exterior side of the fence.

Mrs. Gates – Thank you.

Mr. Wheat – You're welcome.

Mrs. Gates stated – Mr. Knott, this can be made as a stipulation on a motion, or as a condition.

Mr. Knott stated – That's what I was getting at.

Mrs. Gates asked – Alright, what are the Board's wishes on this item?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE SITE PLAN WITH CONDITIONAL USE WITH THE STIPULATIONS CONCERNING THE FENCING FOR THE PROJECT THAT WITH STAFF'S REVIEW AND APPROVAL, THE APPLICANT WILL MODIFY THEIR SITE PLAN TO SHOW A 6-FT. DECORATIVE PICKET FENCE ON THE EAST PROPERTY LINES, AND ON THE NORTH PROPERTY LINE ADJACENT TO THE PARK, IF IT IS NOT USED FOR STORM WATER MANAGEMENT POND FACILITY. AND IF SO, THAT SECTION OF THE PROPERTY LINE AND THE REMAINING WEST AND SOUTH SIDES WILL BE A VINYL-COATED GREEN OR BLACK 6-FT. CHAIN LINK FENCE, WHICH WOULD ALSO INCLUDE ALL THE PIPE AND ALL THE HARDWARE WOULD BE INCLUDED ALSO FOR A CHAIN LINK FENCE. AND ALSO ALL OF THE FENCING INVOLVED WOULD HAVE ADDITIONAL LANDSCAPING BUFFER ON THE EXTERIOR AS WELL AS THE INTERIOR. Seconded by Mr. Johnson. Unanimously recommended for approval by the Planning Board with Mr. Bergman abstaining from voting due to conflict of interest.

Mrs. Gates stated to the applicants – Okay, you have been approved to go before the City Commission and you will receive a notice as to when you're going to go. It's a good project, and it's a pleasure for the Board to see a well-presented project as well I know the staff has complimented you on your cooperation. So, this makes it a pleasure for the Board also. Good luck to you.

The applicants stated – Thank you.

Mr. Wheat stated – Thank you, Madam Chair, and Board members, it's our company's pleasure to develop in Fort Pierce and to work with you on a constructive manner...and your staff.

Mrs. Gates – Thank you very much.

Agenda Item #5 – Site Plan – Lawnwood Townhomes – To seek approval of a Site Plan for a 22-unit townhome development generally located on the north side of the Lawnwood Circle, west of South 17th Street. The owner is Lawnwood Associates, LLC; applicant is PDP, LLC/Richard Palmeri; and representative is Carnahan Proctor Cross.

Mr. Bergman stated – We have been informed that the applicant has requested a postponement on that until the April 11, 2006 Planning Board meeting. So, Mr. Walker, there's really no need to have a public hearing on this, is that correct?

Attorney Walker stated – Mr. Chair, that is correct. I would recommend for record clarity that there be a motion formally continuing the matter to a time certain at the next meeting.

Mr. Bergman stated – Okay. We'll entertain a motion from the Board to table this item.

MOTION WAS MADE BY MRS. GATES TO RECOMMEND TABLING THE SITE PLAN UNTIL THE NEXT MEETING OF APRIL 11, 2006. Seconded by Mr. Poitier. Unanimously recommended for approval by Planning Board by roll call vote.

Agenda Item #6 – Nonconforming Structure as Special Exception – Sunshine Car Wash – To seek approval of an expansion to a nonconforming structure as a special exception located at 3104 Okeechobee road. The owner is James F. Herndon III, applicant is Sunshine Car Wash, and representative is Cook & Menard Architects.

Staff Report – Mr. Buchwald stated – Mr. Chair, Board members, the applicant is requesting approval of an expansion to a nonconforming structure as a Special Exception. The structure is nonconforming because the rear yard size is only 8.28 ft. in the rear northeast corner, where 15 ft. is required due to it being adjacent to the canal right-of-way. The property is zoned C-3, General Commercial, and the applicant is proposing the expansion and conversion of the automatic car wash bay, the equipment room, and a self-service wash bay into two (2) automatic wash bays in the northwestern portion of the building. Roof and façade improvements are also proposed. The proposed expansion totals approximately 252 sq. ft. in size, and will account for approximately 10 percent increase in the size of the original structure. This is a re-application for the Special Exception. The approval was originally granted by the Planning Board and the Board of Adjustment in June 2004; however, the Special Exception was terminated due to an action on the part of the applicant. The current request is the same as the previous request and it meets the nine (9) criteria as specified by Section 22-102.1 of the City Code. As the expansion meets the criteria for a nonconforming structure Special Exception, staff recommends that the expansion of the nonconforming structure be permitted as a Special Exception.

Mr. Bergman stated – Alright, thank you. Are there any questions of staff from the Board?

Mr. Knott stated – Mr. Chairman. Peter, is this the same owner as the previous...or is this a new owner?

Mr. Buchwald stated – I believe it's a new owner, sir.

Mr. Knott – Okay, thank you.

Mr. Bergman asked – Are there any other questions?

Mrs. Gates stated – I do. Did you say that this...? I know this came before us, I remember this. Is this the same plan, though, that he asked for before, that we approved?

Mr. Buchwald stated – Mr. Chair. Yes, ma'am, with the exception that Sunshine Carwash is going to be the sign instead of being called Anchor.

Mrs. Gates stated – Oh, okay. Thank you.

Mr. Bergman asked – Any other questions for staff?

Mr. Knott stated – Mr. Chairman, one other thing. After they pass by us do they have to go the Board of Adjustment?

Mr. Buchwald stated – Mr. Chair. Yes, sir, they have to. It is considered as part of the code. This is conferring with the Board of Adjustment, so you'll confer with them, and by conferring and granting your approval and then it will appear before the Board of Adjustment for their approval.

Mr. Knott stated – Okay. So, it's just the normal procedure for us to sign off on it first and the they have a shot at it?

Mr. Buchwald – Yes, sir.

Mr. Bergman added – Tom, typically we make a recommendation to the Board of Adjustment.

Mr. Knott – Okay.

Mr. Bergman asked – Any other question? Alright, seeing that there is no one here to make a presentation on this, what's the pleasure of the Board?

MOTION WAS MADE BY MRS. GATES TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION. Seconded by Mr. Poitier. Unanimously recommended by Planning Board by roll call vote.

Mr. Bergman stated – Mr. Buchwald, you gave us another ordinance. Is this supposed for tonight...these nonconforming lots?

Mr. Buchwald stated – Mr. Chairman, Mr. Walker requested that this proposed draft ordinance be placed on the agenda for discussion and consideration of your approval. And I defer to Mr. Walker for a staff report on that.

Agenda Item #8 – Proposed Ordinance – Nonconforming Lots

Staff Report – Attorney Walker stated – Respectfully Mr. Chair, staff solicits a recommendation to the City Commission that the City Commission consider an amendment of Section 22-100 as set forth in the draft before you. This draft was prepared following a City Workshop, which was discussion certain land use planning matters out at the college and incorporates some concerns raised by Commissioners at that workshop. Section 22-100 provides that if you have a lot of record and it's okay under the code, but subsequently the code is amended as to lot size, so that under that amendment you can't use that lot anymore. What that section says is that for various residential districts you can always use that lot for a single-family residence. The City is not going to totally deprive a property owner of all use of that property; that would be a taking, and we're not in the business of doing that. After that section had been in effect for quite some time, the City came along and created a new residential district, R-4A for Hutchinson Island. It did not at that time add for a ...to the list of residential districts where we have that escape clause for nonconforming lots. It may fairly be suggested or argued that that was simply overlooked. When we put in the new residential district we probably should have gone back and added that to this section, which deals with nonconforming lots; that was not done. Subsequently the issue has come up in R-4A about whether Section 22-100 applies where it doesn't mention R-4A. Therefore this amendment picks up R-4A and puts it in that list of residential districts for which construction of a single-family dwelling would be permitted if the lot cannot otherwise be used for any other reason due to a change in the code. At the same time, however, we're adding a provision which says that if you have a number of such lots in the area, and they're all under common ownership, and they immediately adjoin each other and you can replat them to make a lot which would be acceptable, then that's what you have to do rather than reselling the lots and then putting up a lot of little single-family houses on them. That's the proposed amendment; that's the intent of the amendment. And it's respectfully requested that this Board consider recommending that amendment to the City Commission.

Mr. Bergman stated – Alright, thank you. I guess this is similar to the first one we had on that marine storage. Do those have to be advertised typically?

Attorney Walker stated – Mr. Chair, over the years that question has come up from time to time; and the answer is no, it does not. Because this is a recommending body only. This Board does not itself enact any such ordinance, it merely recommends that. As long as we're in a publicly advertised hearing, it is not necessary that any recommendation that the Code Board might have for an amendment of the code be specifically advertised as such. Those advertisement requirements do come into play, of course, at the Commission level.

Mr. Bergman stated – That was my next question. They would advertise for City Commission?

Attorney Walker – Right.

Mr. Bergman stated – Okay. Alright. Any comments on the revisions to the ordinance?

Mrs. Olson stated – I have a question. I understand that the underlined parts in part I are the additions to the existing ordinance...is that correct?

Attorney Walker – Right.

Mrs. Olson continued – Okay. I'm not sure I understand. I understand that R-4A is on Hutchinson Island, but I'm not sure why R-4A is different. Is it just because it's on the island?

Attorney Walker stated – Hutchinson Island presents a number of unique planning concerns relating to environment and traffic and because of that it was felt appropriate to set out the different planning and zoning standards of residential districts over there on the island.

Mrs. Olson stated – Okay. I have another question to follow up...is that okay?

Mr. Bergman – Sure.

Mrs. Olson continued – In neighborhoods that have small lots; I'm thinking in particular of, let's say, Oakland Park or something like that. If you have...in Oakland Park there are no adjoining lots, but whatever, but say in a neighborhood that had small lots...small houses...small lots, and you had three lots under common ownership and individually those would not, under this ordinance, they would have to combine two or more of those lots in order to make a buildable lot...correct?

Attorney Walker stated – If the lots are all adjoining and if they are under common ownership, and if because of by virtual some amendment, they cannot be used for any purpose, then yes, they would have to replatted.

Mrs. Olson continued – I guess I personally have a problem with that because it goes against the character of the neighborhood. The new lots sizes tend to be more in line with suburban lot sizes; and in older neighborhoods I think that could be a bad idea. That's all I have to say about that.

Mr. Bergman asked – Any other comments?

Ms. Benton stated – Mr. Walker, in reading the ordinance, the ordinance relates specifically to lot size and then refers in the last sentence and introductory paragraph to whether the use satisfies other requirements of this chapter. Could you just comment on the other requirements that would relate to this whole matter since we're only concentrating on lot size?

Attorney Walker stated – Let's see, reading the relevant part of that sentence, it says, and if the entire contiguous land holdings and single ownership have not decreased, other than to eminent domain proceedings since the lot became nonconforming, and if the use satisfies other requirements of this chapter. So, Mr. Chair, it's my understanding that you're wanting an example of the other requirements that might come into play other than mere size, is that correct?

Ms. Benton stated – Other than mere size. I have a follow-up question on this.

Mr. Recor added – It would be whether or not the use is permitted at all in the district. That would be the other...if we're talking about the use, it's whether or not the proposed use would be permitted at all.

Ms. Benton stated – And the other question I had had to do with the nonconforming structure and how that relates to a nonconforming lot. For example, if you can use the nonconforming lot to construct a residence, would you be allowed to do that if the new residence would in fact be a nonconforming structure...would result in a nonconforming structure?

Attorney Walker stated – Well, we have a separate section relating to nonconforming structures. This doesn't apply to that.

Mr. Recor added – The new structure that would be built on the lot would have to comply with the underlying requirements of the district. In other words, they wouldn't get any reprieve...any relief to the standards of the zoning district.

Ms. Benton asked – So, it's possible that you could build a house on here, but if it's really too small then you may not be able to build a house.

Mr. Recor stated – You could make a case before the Board of Adjustment and make a hardship case in that instance. And the hardship would be that the lot was platted prior to ...And it doesn't meet the minimum lot size of the district, and it represents a hardship in meeting the underlying requirements that were intended to apply to a lot that was larger than what you have.

Mr. Buchwald added – Mr. Chair, if I may in the purpose of the additional language that the ordinance includes at the end is to protect an individual who has a single lot and wants to build a single-family on the single lot. It's to prevent somebody who owns three (3) lots in a row from putting three (3) consecutive single-family homes on it as opposed to replatting into two (2) lots into conforming lots.

Mrs. Olson added – I still have a problem with that.

Mr. Buchwald stated – Mr. Chair, if I may, within some of these districts, I've brought a zoning map...the R-3 and some of the districts, which Ms. Olson is referring to, the minimum lot width is 65 ft. So, we're not talking about large lots. Again, they're trying to prevent somebody who owns, and which the Commission has expressed, somebody who owns, for instance, 10 or 15 lots in a row; and buying up all those homes and then putting up 15 new single-family homes as opposed to combining those lots into 12/11, whatever to meet the minimum lot size requirement in putting up homes in that regard.

Mrs. Olson added – However, I have just dealt with a subdivision, and it's not simply a matter of you meet this way minimum this way and this way (demonstrating horizontally and vertically with her hands). The minimum this way and this way does not equal the minimum total square footage. You actually need a lot more square footage than the minimum this way and this way. And so the minimum lot size that the City requires now is really quite large. And even if one single person owns a number of contiguous lots, if it is out of the character of the neighborhood to have

larger lot sizes, then I think it's a bad idea for us to necessitate that the new houses have bigger lot sizes.

Mr. Recor stated – There are still a handful of opportunities out there for the opposite situation to occur. There are some larger lots and in Hibiscus Park, in Oakland Park, for example, that have a single home built on two/three lots. And what we're seeing, and have seen a handful of them come in recently, the demolition or the division of those what are platted at three lots into another building lot. So, the exact flip side of that is also occurring in addition to having individual platted lots and having them combined. Now we're seeing larger lots that are also divided as well.

Mr. Bergman added – But those lots would have to be divided into conforming lots.

Mr. Recor – That's correct.

Mr. Johnson stated – Mr. Chair, just quickly, and maybe it's in the definition of the code, the word adjoin, is that specifically related to contiguous left and right or front to back? I just wanted to make sure we're not caught...you know, two different parcels, two different streets.

Attorney Walker stated – The term, 'immediately adjoin', is intended to convey the understanding that the lots are immediately side by side touching contiguous.

Mr. Johnson stated – Okay, that's all I wanted to know. Thank you.

Ms. Benton asked – Does it exist and would the City even consider varying the minimum lot size depending upon the area? Because that seems to me the only way to get at what Ms. Olson raised. Does that every exist anywhere?

Mr. Recor stated – There is not an opportunity to make application for a variance when you can't meet the minimum lot size. That would, in effect, be allowing a use to be constructed that wouldn't otherwise be permitted.

Ms. Benton stated – No, I didn't mean a variance in order to do it. I just wondered whether the City's ever considered having different lot sizes in different areas?

Mr. Recor stated – They're definitely alternative...different lot sizes in zoning districts. For example, the minimum lot size in the R-4A district is like 5,000 sq. ft., whereas in the R-3 it's 20,000 sq. ft. So, each one of the districts has a certain base density associated with it... (4) units per acre, eight (8) units per acre; and you essentially get the minimum lot size for that district by dividing the number of units per acre into 43,560 sq. ft.; and that gives you the minimum lot size. So, they're different in each one of the zoning districts.

Mrs. Olson added – But just as far as R-4, R-3, R-2...like if an area ...anything that's R-4 would be a certain lot size?

Mr. Recor stated – That's correct.

Ms. Benton asked – Anything that would be in the other districts...in other words, single family, a residential district, would be the same all across the City, is that correct?

Mr. Recor stated – Well, for example, Elm Creek Estates just came before you maybe two Planning Board meetings ago...new single-family subdivision on Sunrise, 34 lots, it's on 13 acres, I think the minimum lot size in that R-2 zoning district was 10,000 sq. ft. So, every lot in that subdivision had to meet the minimum lot size, the minimum lot width and have frontage on a publicly dedicated right-of-way; those are the three requirements for subdivision in the City. So, a lot size for that district was 10,000. They had some that were 10...they had some that were 12...13...But the minimum was 10...And it's different based on the zoning district that you're developing in.

Mrs. Olson stated – Mr. Chairman, I don't have a solution for the problem that I brought up. I don't know whether or not it's viable to create different lots sizes based on surrounding neighborhoods...surrounding neighbors or not. I'm afraid I don't have a solution, but I do think that this is a potential future problem.

Mr. Reilly stated – I have a question, Mr. Chairman. If I'm a builder and I go out and I buy, let's say on South Beach somewhere a nonconforming lot, if I decided to knock the building down that was on that nonconforming lot, what are my options right there? Just this...am I allowed to build on that lot at that point since I bought a lot that was nonconforming?

Mr. Bergman and Mrs. Gates added – Single family.

Mr. Reilly asked – I can build whatever?

Mr. Recor stated – If you knocked it down, if you demolished the structure you could rebuild a single-family home, but you'd have to rebuild to the requirements of the district.

Mr. Reilly – Okay.

Mr. Bergman asked – Would requirements of the district meaning setbacks and heights?

Mr. Recor – That's correct.

Mr. Bergman – Okay.

Mr. Reilly continued – The setbacks and heights on this nonconforming lot are based on the setbacks of the zoning in that area?

Mr. Recor stated – That is correct.

Mr. Reilly continued – So, if it was an R-4 I have certain setbacks...what is an R-4 right now?

Mr. Recor stated – I believe it's 25 ft. in the front, 25 in the rear, and ...

Mr. Knott added – Six (6) on the side, 15 on the corner lots.

Mr. Reilly – Okay.

Mr. Bergman added – But if you bought two (2) lots...then you could only build one (1) house.

Mr. Recor added – Then you would have to combine them.

Mr. Reilly stated – Right, okay.

Mr. Johnson asked – Can you still sell it...one of the two?

Several Board members – Yes.

Mr. Bergman asked – Any other discussion? What is the pleasure of the Board?

MOTION WAS MADE BY MR. KNOTT TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT OF ORDINANCE OF NONCONFORMING LOTS. (Section 22-100) Seconded by Mr. Harris. Recommended for approval by a 5 – 4 vote.

Mr. Recor asked the secretary – What was the vote?

Ms. Rose stated – Five (5) ‘yes’ votes and four (4) ‘no’ votes.

Mr. Bergman added – So, there is no recommendation.

Mrs. Gates and Ms. Rose stated – It was five (5) to four (4).

Mr. Bergman stated – So, it’s approved, but it goes without a recommendation.

Mr. Recor asked Mr. Bergman – Is that in your rules of procedure, the...?

Mr. Bergman stated – It will be forwarded to the City Commission, but it won’t have a recommendation.

Mr. Knott added – Well, I don’t see a problem with it because it’s not requiring you to make your lots larger, it’s just going to make you make them big enough to meet the existing ordinance. You’re not going to take 200 ft. lots. You’re not going to take two (2) 50-ft. lots and make them into one. You don’t have to make a 100 ft. lot out of it but ...

Mr. Reilly added – You don’t have to do that if you only have one lot.

Mr. Knott stated – If you only have one lot then you just go with what you got. If you’re a 50 ft. lot you’re alright.

Mr. Recor stated – We’ll look at the effect of the 5 – 4 vote and pass that onto the City Commission. That may very well in itself send a message to the Commission that it needs additional work.

Mr. Bergman stated – Yeah, I think there are still a bunch of questions that need to be answered on it.

Mrs. Gates agreed – Yes, not necessarily bad but just questions.

Agenda Item #9 – Discussions

Mr. Bergman asked – Any discussions?

Ms. Rose stated – Consideration of absences.

Mr. Bergman stated – Well, I was going to do that after the discussion.

Ms. Rose – Okay.

Mr. Recor stated – Mr. Chair, again, just wanted to welcome our new Planning Board members, Mr. Reilly and Mrs. Olson. Nothing like being ‘thrown to the wolves’ tonight. But glad to see that you didn’t hesitate, you weren’t bashful, you jumped right in; that’s good to see. That’s why you were appointed to this volunteer ...But in all seriousness, I mentioned to you both, I did intend to have an orientation session with you to give you the tools necessary for you to make good decisions. And before the next Planning Board meeting I’d like to sit down with you and get you copies of the Florida Administrative Code, the Section 163 of the Florida Statutes, the City’s Land Development Regulations, and the City’s Comp Plan...LDR’s and Comp Plan, both of which are hot topics these days and under review and rewrite. But those are the tools that you’ll have to make decisions...the Florida Administrative Code, the Florida Statutes, commonly referred to as the enabling legislation, that’s what our Comp Plan, that’s what our LDR’s...it gives us, the City, the authority to have those documents. Now, there are probably some Planning Board members sitting there saying to themselves, wait a minute, I never had an orientation session, I don’t have a copy of the Florida Administrative Code. So, we will make those resources available to all of you at the next meeting. But we will schedule...

Mr. Knott asked – Could we get a new one?

Mr. Recor stated – Yes. We will make sure that you have up-to-date copies of the Land Development Regulations. But recognize that we are going out for request for proposals to do a rewrite simultaneously with the Comp Plan as well. And I expect that we will have that on the street in the next 30 days. I just wanted to let you know next meeting we will also have name plates for all of you. You now have a full compliment of Board members here. We’ll do something with the seating arrangement so you don’t have to sit down here. We’ll get two more chairs or something, name plates for everyone. The last thing that I wanted to mention to you was vacancies in the Planning Department. There are seven (7) vacancies in the Planning Department I’m sorry to say. We have had three (3) resignations in the last 30 days: Anna Brady, our Historic Preservation Officer, has resigned; and her last day was actually last Friday. Tim Harrington, the Historic Preservation Planner, has also resigned; I understand that he has taken a position in a community in South Florida. We are actively recruiting for both of those positions. And Mrs. Gates, I did follow up on the contact that you gave us.

Mrs. Gates asked – Did you have any luck?

Mr. Recor stated – Well, she's going to be posting the opportunities on her resource as well.

Mrs. Gates added – Ms. Smith called me...Mazella, and asked me—I've been out of town, I apologize but I didn't get the message until late this afternoon, after 5 o'clock. Is she taking care of it, or do I need to contact her?

Mr. Recor stated – I just wanted to inform you that we did follow up on that information and thank you for that.

Mrs. Gates continued – Carolyn will be very glad to work with you all on that.

Mr. Recor added – We also have a vacancy in an Administrative Secretary position, two (2) Development Review Planners, and a Comprehensive Planner, as well as a Planning Director.

Mrs. Gates asked – What is going on up there?

Mr. Recor stated – Well, I will tell you. Four (4) of the positions...now it may seem like it is a lot, it doesn't seem like a lot, it is a lot. But four (4) of the positions are essentially new positions that have not been filled. So, we've been looking for a Planning Director. We're just not drawing the candidates; we don't have a lot to pick from. And just as Peter and I were talking this afternoon, we're right in the middle of a very significant transition, we're making a lot of change. And I wish that more people would share with you the feedback that they give us, and that is they're very appreciative of the direction and the feedback that they're getting from the staff. I'm glad to hear it, I'm glad that you heard it tonight, because we hear that a lot. We're right in the middle of that. And I want to make sure that that job is complete. That a new Planning Director doesn't come in and get handed the ball and say finish something that we started. I want that to be done, I want that ball to be rolling when we get somebody on board. And I think it will make their transition, their adjustment to a new job, a new community, a lot easier than for me, as a manager, to hit them with rebuilding something. In all fairness, I gave Fernando Leiva a work program that had 33 items on it that I wanted him to address.

Mr. Poitier added – That's too much.

Mr. Recor continued – I just think that in hindsight that may have been a bit overwhelming ...So, we're committed to getting those positions filled. We're going to be meeting as a group tomorrow to develop a game plan. We may very well shift some responsibilities because, as you're well aware, the demands of the staff are increasing as well. We will be attending the County Planning Board meetings now to provide feedback on County development projects that are in the urban services area. We've taken on a significant responsibility of reviewing those plans and providing written feedback to the County. Now we're going to be attending their meetings; and we have essentially one (1) person that has been dedicated to that. So, we're going to be getting together, we're going to fill these positions. I told the staff months ago it was going to get worse before it got better; it's gotten worse. But it's going to get better. But we just wanted to make sure that you were in the loop that we are moving forward on the positions, and sometime soon we'll have some good news to report to you introducing some new faces.

Mrs. Gates stated – I have a question. Are we going to replace...? Tim Harrington's irreplaceable, bless his heart. I'm really sorry to see him go. I am very surprised. Is that position going to be replaced do you know?

Mr. Recor stated – Yes. We've advertised for the Historic Preservation Planner position as well as...

Mrs. Gates asked - ...as the Officer?

Mr. Recor – Yes.

Mrs. Gates stated – Like I said, I had been out of town. And so when I found out I was just quite dismayed. My Historic Preservation Board has got no mama or daddy or any baby brothers or sisters. This is very critical; I hope that we can do something about this soon.

Mr. Buchwald added – Tim is going to stay on for a month.

Mrs. Gates asked – He is?

Mr. Buchwald continued – And serve as Interim Historic Preservation Officer. We can only hope that we have somebody by that time. But if not we'll continue as best as we can to keep up what Anna Brady started and what Tim also supported.

Mrs. Gates stated – Well, Kathleen Slesnick Kaufman, who was our first Historic Preservation Officer, is also aware of this, and she's very concerned. And I talked to her, and I don't think she knows about Mr. Harrington, but she was putting her feelers out also. She is someone who is in the profession. She is the City of Miami Historic Preservation Officer and she knows a lot of people. So, hopefully we can find somebody great. I tried to get her to come back and she said I don't think you all can afford me.

Mr. Bergman stated – David, I heard some disturbing news yesterday. That Technical Review is no longer.

Mr. Recor stated – No. That is not the case. The Technical Review Committee is the final step in the review process before it enters the public hearing phase. In other words, we will process plans under administrative review—the same people that participate on the Technical Review Committee—as many times as it takes for the plans to meet the requirements of the code.

Mr. Bergman – Okay.

Mr. Recor continued – And when we determine that they do, we'll schedule it for a Technical Review Committee meeting, which will be a mere formality. And that will be for everybody to do what the Commission's been asking for and what you've been looking for. And that is to make sure that they've signed off on the project.

Mr. Bergman stated – Well, it was kind of my understanding that that was not being done, that there was not going to be a formal Technical Review meeting.

Mr. Recor stated – It may not have been done the last couple of months because we haven't had any plans that meet the requirements of the code. Now, admittedly, we did not take Live Oak Villas back to the Technical Review Committee because of the nature of the outstanding issues. And they were also under a really tight deadline to get their financing in place. And, as you heard, they met with every City Commissioner. We needed to move that forward. So, no, we've not abandoned the Technical Review Committee.

Mr. Bergman stated – Well, it was my understanding that that had been done away with.

Mr. Buchwald added – No. Actually we've improved on it. And we've made it more flexible, and when we have a project that has met all the requirements and has been approved by all the departments, a Technical Review Committee will be scheduled before the Planning Board...at least from one (1) to two (2) weeks before. And then there will be a sign off and then ...And we can have two (2) ...even more Technical Review Committee meetings a month. So, we're actually more flexible in terms of...

Mr. Knott asked – Are the applications still coming to you? Are you all the clearing house for all the different ...?

Mr. Buchwald – Yes, sir.

Mr. Knott continued – In other words, in the past the application would beat you all and then the applicant would come and sit at the 'round table'... Now you all would circulate the plans, get their comments, and then call a meeting, is that you would do?

Mr. Buchwald stated – No. We distribute the plans and we start receiving comments from the Technical Review Committee members. We distribute that back to the applicant, and depending on the nature of the comments he could resubmit and we redistribute to those agencies that have the comments. We would keep doing that and doing that until we get approval letters, and ...

Mr. Knott asked – Will it be a formal Technical Review meeting?

Mr. Buchwald stated – Yes. And at that time a Technical Review Committee meeting will be scheduled and hopefully we'll have a couple at a once so we can accommodate that before the Planning Board, and they'll sign off on it and address any last-minute concerns, and then they'll be issued the notice to proceed and we'll proceed to the Planning Board meeting and then to Commission. So, between Planning Board and Commission they're just addressing the comments that you all have raised on the plan or any additional encouragement you give them to raise the bar.

Mr. Bergman – Okay.

Mr. Recor added – This ensures that you don't get plans that don't meet the requirements of the code.

Mr. Bergman stated – Well, no, that's fine. I appreciate that. I just...

Mr. Buchwald stated – Some of the challenges that we've had, though, is in implementing the new system. And as we witnessed unfortunately at the last Planning Board, is addressing...being sensitive to those projects that are in the 'pipeline' and have been there for quite a while, and working with that. And I've think we've cleared that out.

Mr. Recor added – Except for the one that was on your agenda at the last minute.

Mr. Buchwald stated – Well, no, that has been resubmitted and they're going back to Technical Review. They've been resubmitted ...actually resubmitted today....a complete set of plans. Finally we've got a complete set of plans that's complete and it's going back to all the Technical Review Committee members today.

Mr. Recor added – They don't like that but they're doing it.

Mr. Bergman stated – I'm sure they don't want to have another issue like they had last time. Have you come up with a ...and I'm just asking on my behalf, because we're trying to a site plan for a project that actually falls down in one of the Historic Districts...have you developed a schedule for submittals yet?

Mr. Buchwald stated – Another improvement in the process where you can submit, at any time, what you need to do...There are two (2) processes to the submittal; one is a pre-application conference, where we schedule...actually Hector Ariar is now a part of that...City Engineer. The Engineering Department would have the most comments; and sit down with an applicant and we can give as much information depending on how detailed your site plan is, that you want to bring at that time and see if you're heading in the right direction. And then provide you with all the check lists and all the submittal requirements at that time so you know exactly what you need to bring to submit. Then you make another appointment, and you submit at that time and we check off that you have all the plans that are required by the code. And that's when we distribute and start the process.

Mr. Bergman stated – The reason I'm asking, because if I have a client that asks, okay, how long does this process take? I would usually say, well, if we submit by this date normally we would know that we can get on Planning Board and then City Commission. But now I can't even... I don't even have a clue as to what the process is.

Mr. Buchwald stated – What I would advise as in the goal is to have ...the whole process takes four (4) to six (6) months...three (3) to six (6) months. So, we think that that process is front-loaded, meaning that before you get to Planning Board you could count three (3) to four (4) months before you get to Planning Board.

Mr. Bergman asked – Before you get to Planning Board?!

Mr. Buchwald stated – Well, this one...Live Oaks is an example. That was submitted in the middle of January and now, so that is three (3) months. And it's going to go now to Commission in April.

Mr. Bergman stated – Well, I thought City Commission was raising hell about these things taking so long to get through.

Mr. Buchwald stated – We've advised them four (4) to six (6) months and they...

Mr. Bergman stated – They used to be three (3).

Mrs. Gates asked – From start to finish?

Mr. Bergman stated – From start to finish.

Mr. Buchwald stated – This is how a three (3)-month situation could occur; I'm not going to rule that out. I have yet to see...boy, that would be the most exciting thing that has happened to me since I've started here, if I could a project through in three (3) months. How it would happen is that if you submit a perfect site plan and within two (2) weeks we get the comments back, and within one (1) month you get all the comments back from the agencies and it's good to go...its' approved. Then it's scheduled for the Technical Review and it's in the next Planning Board—that's the following month—and then it's in Commission; and yes, that's three (3) months; yes it could. (Humorously) And boy I'd be the biggest fan of that project, I'd stand up here beaming with pride, I would compliment the applicant, the applicant would compliment me, we'd all be happy, we'd hug, we'd kiss, we'd go home.

Light laughter from the Board members.

Mr. Knott stated – What Don is talking about is when you have a client who wants some sense of a timeline. Have you all set up any guidelines for your Technical Review from the different reviewing agencies?

Mr. Buchwald – Yes.

Mr. Knott continued – From the time somebody makes an application to you, okay we'll have this back to you in two (2) weeks or do you have a time frame?

Mr. Buchwald stated – We stipulate to the departments that we request comments back within two weeks of when we submit it. So, however, the only challenge is that all the departments are busy as well. We'll start calling, but nothing precludes the applicant from calling each of those departments as well saying, do you have your comments back?, and working with them directly. And the departments are being set up this way too to have people who will work with them directly as well.

Mr. Recor added – And when we get that feedback, one of the improvements is that you're going to get that in writing now.

Mr. Bergman added – Well, we used to get that in writing before.

Mr. Buchwald stated – But we're going to keep track of all writings. You see here for this Live Oak's I went through three (3) iterations of it all.

Mr. Bergman stated – I know you have your little chart before...Alright. Like I said, when I had heard that TRC had been done away with, I was just more concerned about process and timeframe...

Mr. Buchwald added – No, TRC has been improved.

Mr. Bergman stated – Okay. Alright. Fair enough. Alright, any other discussion?

Mr. Bergman stated – Oh, yeah, we have to do consideration of absences. And Mr. Harris showed up, and Mr. Enns did call in. Did you want to make a motion?

MOTION WAS MADE BY MR. KNOTT TO EXCUSE THE ABSENCE OF MR. ENNS. Seconded by Mr. Poitier. Unanimously approved by voice vote.

Mr. Bergman stated – Mr. Walker, did you have anything?

Attorney Walker stated – Yes, Mr. Chair. Allow me, Mr. Chair, to bring to the Board's attention its rule of procedure...rule three (3), which provides as follows: The Board, as its first regular meeting in March of each year shall elect Chair, Vice Chair, and a Secretary.

Mr. Bergman asked – Is it that time already?

Mr. Knott asked – Mr. Walker, is there anything about the repeating offices or how many times they can have a ...

Mr. Bergman and Mrs. Gates stated – I think it's twice.

Mr. Poitier stated – I vote that we keep the two and go home.

Light laughter from Board members.

Attorney Walker stated – Mr. Chair, rule 15 provides as follows: No member may serve more than two (2) full consecutive terms as Chair. And that's the only provision that I see here.

Mr. Bergman asked – Do we know how long I've been doing this?

Ms. Rose stated – Well, I've been here two (2) years and you've been on it since I've been here.

Mr. Bergman stated – I think I took over for Sunny...I think this is my first term.

MOTION WAS MADE BY MR. KNOTT TO APPROVE OF DON BERGMAN AS CHAIR, SONYA GATES AS VICE CHAIR, AND JEREMIAH JOHNSON AS SECRETARY. Seconded by Mr. Harris. Unanimously approved by voice vote.

Mr. Bergman stated – Dianna, if you find out otherwise that I've been on as Chair more than two (2) then we'll have to do it again.

Mr. Bergman asked – Mr. Recor, Mr. Buchwald, do you have any comments? You guys are doing fine. I really appreciate the way you worked with Live Oak Villas; they were very appreciative. I felt that you guys were transparent. Only that the fact if there were any issues you spelled them right out for them. There wasn't anything that they had to guess at. And they really appreciated that, because they knew what the obstacles were that they had to deal with.

Mr. Buchwald stated – We appreciate any positive feedback.

Mr. Knott stated – Plus the projects we're getting...you guys are getting our larger projects. We went years where it was just small, you know, two (2) and three (3) acres...You're in some major projects.

Mr. Knott added – Mr. Chairman, I will not be here next month, so I would like to be excused please.

Meeting Adjourned at 9:15 p.m.

